

REMARKS

Applicants thank the Examiner for the Final Office Action of August 21, 2009. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application.

Claims 23-28 and 31-37 are pending in this application.

Claim Rejections Under 35 U.S.C. § 112:

Claim 32 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 32 to recite that the first not second valve element spring is in the first hollow body. As such, the rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103:

Claims 23-28 and 31-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Petillo, et al. (USPN 6,544,679) in view of Lebzelter (USPN 3,921,665). Applicant respectfully traverses because the combination of Petillo, et al. and Lebzelter suggested by the Examiner would not have resulted in the claimed subject matter.

Claim 23 has been amended to recite an apparatus which may be used as a power-producing device based upon a fuel cell. The apparatus comprises at least one fuel cell pack, a fluid distribution system, and at least one series of second valve elements. The fuel cell pack comprises a plurality of elementary cells and a fluid distribution means. The fluid distribution means supplies each elementary cell with two input fluids, and allows for the discharge of two output fluids from the elementary cells. The fluid distribution means is able to be connected to the fluid distribution system. The fluid distribution means comprises at least one series of first valve elements located on a first side of the fuel cell pack. The fluid distribution system is able to supply each of the at least one fuel cell pack with the input fluids and allows

for the discharge of the output fluids from each fuel cell pack. The fluid distribution system is able to be connected to at least one external circuit for the supply of the input fluids and to at least one external circuit for the discharge of the output fluids. Each of the first valve elements includes a moving stem. Each of the second valve elements includes a moving stem. Each one of the first valve elements corresponds to a respective one of the second valve elements such that when they are urged against one another the stem of one of the first valve elements abuts the stem of a respective one of the second valve elements to urge open the first valve element in question and the respective second valve elements.

Thus, the claims require that the apparatus have the ability to open of at least one pair of valve elements (one first valve and one second valve) by urging of the stem of the first against the stem of the second. Applicant asserts that the combination of Petillo, et al. and Lebzelter suggested by the Examiner would not result in this limitation because the Examiner has misinterpreted the Lebzelter disclosure.

In the Office Action, the Examiner states that Lebzelter reference characters 19 (spool type valve member) and 21 (cylindrical land) correspond to the claimed first valve element and reference characters 19 (spoon type valve member) and 20 (another cylindrical land) correspond to the claimed second valve element. The Examiner further states that when the supposed first valve element (spool type valve member 19 and cylindrical land 21) and the supposed second valve element (spool type valve member 19 and other cylindrical land 20) are urged against one another, the stem 23 of the supposed first valve element abuts the stem 81 of the supposed second valve element to urge open the first and second valve elements.

Applicant kindly notes that the Lebzelter spool-type valve member 19 is integral with the two lands 20, 21. This is evident from the text at col. 2, Ins. 15-17 where it is explained that the "spool-type valve member 19 is slidably mounted in valve bore 5 with two spaced cylindrical lands 20 and 21 snugly fitting within the bore". One of ordinary skill in the art would readily recognize that valve member 19

cannot simultaneously serve as a disclosure of two separate valve elements when valve member 19 and cylindrical lands 20, 21 are quite apparently integral. Applicant also notes that stem 23 cannot physically abut poppet 81. This is because the left-most portion of stem 23 is separated from the right-most portion of poppet 81 by the left side of the stem bore 7 (which blocks further passage leftwards), by the cylindrical land 21 by portion 53, and by cylindrical land 20. This physical inability of the stem 23 to abut poppet 81 is exemplified by col. 2, lns. 53-66 where it is explained that:

When the stem 23 is externally actuated, as by pressure exerted against a rounded end 57 thereof, the stem 23 and strong spring 31 move the plunger 29 and valve member 19 inwardly, to the left in FIG. 1, compressing weak spring 49, until the left end of the valve member contacts the adjacent end of stop 43. In this motion, land 21 closes input channel 13, and land 11 (sic) opens input channel 11 to the space 55 and output channel 15, thus actuating the load. If the force which actuates the stem 23 is continued beyond this normal operating path, initial overtravel of the stem is absorbed by compression of spring 31. Still further movement of stem 23 results in damage to the valve parts.

Thus, even if stem 23 was forced leftward to the point where it might conceivably abut poppet 81, it would completely damage the valve thereby rendering it useless.

Thus, as seen from the above discussion of Leibzelter, the combination of Petillo, et al. and Leibzelter would not have resulted in the claimed subject matter. As such, the rejection should be withdrawn.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he/she is invited to call the undersigned attorney at the number listed below.

It is not believed that any fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

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